

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-238-MOC-DSC

DOUGLAS R. SMITH, et al.,)
Plaintiffs,)
Vs.) ORDER
AVERY CHAPMAN, et al.,)
Defendants.)

THIS MATTER is before the court on Plaintiffs' Motion to Strike (#143) several filings.

Plaintiffs seek to strike "Reply to Opposition to Motion for Summary Judgment By Defendant Taryn Hartnett's Upon Her Affirmative Defenses and Counterclaims" (#130) and "Reply to Opposition to Motion for Summary Judgment By Defendants Avery Chapman and Chapman Law Firm Upon Their Affirmative Defenses and Counterclaims" (#129), for untimeliness, noting that Defendants filed such documents two days late. The motion to strike these documents is now moot, as Defendants have withdrawn the Motions for Summary Judgment precipitating these replies (##91, 95). The court will note, however, that Federal Rule of Civil Procedure 6 and Local Rule of Civil Procedure 7.1(E) provide clear and concise rules regarding calculating litigation deadlines, and that the court follows the deadlines set in ECF (which comply with such rules). See LCvR 7.1(E). Counsel for all parties should follow the rules and dates in ECF to determine deadlines.

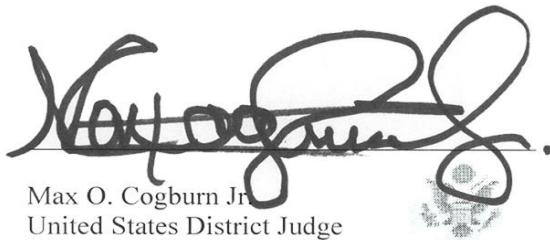
Plaintiffs also seek to strike an "Affidavit of Scott G. Hawkins in Support of Defendants' and Counterclaim and Third Party Plaintiffs' Motion for Summary Judgment on Counterclaims and

Replies Thereto" (#132), noting that Defendants waited an additional day to file such affidavit after filing summary judgment motions on their counterclaims. The court again finds such motion moot for the reasons stated above, but notes that for future reference, Federal Rule of Civil Procedure 6(c)(2) requires that "[a]n affidavit supporting a motion must be served with the motion." The court further advises the parties to familiarize themselves with the Local Rules governing filing of motions in this district. See LCvR 7.1.

ORDER

IT IS, THEREFORE, ORDERED that Plaintiffs' Motion to Strike (#143) is **DENIED as moot.**

Signed: August 4, 2015



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. To the right of the signature is a small, dark, circular ink smudge or stamp.

Max O. Cogburn Jr.
United States District Judge